

Minutes of the Maine Real Estate Commission

February 16, 2006

MEMBERS PRESENT

Winfred Stevens, Chairman
David Kitchen, Vice-Chairman
Earl Black
Susan Lewis Hodgkins
Sharon Millett
Jeffrey Mitchell

STAFF PRESENT

Carol Leighton, Director
Karen Bivins, Deputy Director
Judy Phillips, Examiner
Marilyn Lugner, Education Coordinator
Robert Perkins, Assistant Attorney General
Susan Greenlaw, Secretary

MEMBERS ABSENT

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 1:45 p.m.

Agenda Modifications

A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to add the following to the agenda. Unanimous.

- I. Proposed Dismissal
 - A. #2005-REC-90
 - B. #2005-REC-100
 - C. #2005-REC-2349
- II. Proposed Consent Agreement
 - A. #2005-REC-28

Commission Minutes

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to approve the minutes of the January 11, 2006 meeting as written. Unanimous.

Dismissed Complaints

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Dismissals in case numbers 2004-REC-114, 2005-REC-26, 2005-REC-55, 2005-REC-90, 2005-REC-100, 2005-REC-142, and 2005-REC-2349. Unanimous.

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to reconsider case number 2005-REC-142. Unanimous.

2005-REC-142: Winfred Stevens recused and left the room. A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to accept the Proposed Dismissal. Black, Hodgkins, Kitchen, Millett, and Mitchell voted in the affirmative; none opposed. Motion carried.

2004-REC-117: Earl Black and Winfred Stevens recused and left the room. A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to accept the Proposed Dismissals. Hodgkins, Kitchen, Millett, and Mitchell voted in the affirmative; none opposed. Motion carried.

2005-REC-82: Earl Black recused and left the room. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Dismissal. Hodgkins, Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

2004-REC-27 Earl Black recused and left the room. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Dismissal. Hodgkins, Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

Proposed Consent Agreements

A motion was made by Sharon Millett and seconded by Earl Black to accept the Proposed Consent Agreements in case numbers 2004-REC-36, 2005-REC-28, and 2006-REC-2423 Unanimous.

Proposed Rules

Executive Review and Legal Pre-Review of Proposed Amendments – Discussion and Recommendations: Discussed the proposed rules along with legal recommendations outlined A.A.G. Robert Perkins’ February 2, 2006 memo.

Chapter 410 Section 19 Stigmatized Property – Not a Material Fact or Defect: Commissioner Bruenn identified policy concerns and declined to sign the Executive Review with this section included. A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to go forward with the rules as proposed with the exception of Chapter 410 Section 6 paragraphs 1 and 2 relating to transaction broker agreements as recommended by AAG Perkins and 19. Unanimous.

Education

Associate Broker Course Outline – Education Committee Recommendation: Discussed the recommendations with Charles “Kim” Coit as the Committee’s representative. Members of the audience, including Barbara Berry representing MAR, offered comments regarding the associate broker course outline.

Sales Agent Course Outline – Further Discussion: Discussed the recommendations with Charles “Kim” Coit as the Committee’s representative.

A motion was made by David Kitchen and seconded by Sharon Millett to table further discussion on education until the March 23 meeting. Unanimous.

Designated Broker Course Outline – Status: A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to maintain as a standing agenda issue. Unanimous.

Instructor Training on New Course Outlines: Tabled to March 23 meeting.

Core Course – Topic and Committee Members: Members delegated committee formation to the Director.

Discussion of Transition Issues, i.e. sales agent applying for associate broker license on or after July 1, 2006: There is some misunderstanding about what is going to happen as of July 1. Need to establish a correct response. A notice outlining the various scenarios will be sent to instructors and posted on the Commission's web site.

Associate Broker Exam Results by School/Instructor – 2004 & 2005: Provided information to members.

Director's Report

Director v. Cash Wiseman – Hearing Date to be Determined: Tentatively scheduled for April 12 or April 14, 2006.

Complaint/License Monthly Reports – January 2006: Provided members with this information.

Report to Legislature: Expansion of definition of brokerage to include license requirement for commercial leasing. Commission to review report.

Next Meeting Scheduled for March 23, 2006

The meeting was adjourned at 1:45 p.m.

This report respectfully submitted,

Winfred A. Stevens
Chairman

Carol J. Leighton
Director